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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/913,418

08/13/2001

Andrew John Aftelak

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EXAMINER

DEPPE, BETSY LEE

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,418

Applicant(s)

AFTELAK, ANDREW JOHN

Examiner

Betsy L. Deppe

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4-8, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, in the last paragraph on page 8, filed March 16, 2005, with respect to the rejection(s) of claim(s) 1-3, 11 and 12 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the admitted prior art in Figure 1 of the given application, Anderson et al. (US Patent Application Publication 2001/0055348 A1) and Atarius et al. (US Patent No. 6,226,336 B1).

Drawings

2. According to page 7, line 4, Figure 1 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1 and 8 are objected to because of the following informalities:

in claim 1, line 15, "the currently" should be "a currently"; and

in claim 8, line 2, "said type" should be "a type."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 2 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in Figure 1 of the pending application in view of Atarius et al. (US Patent No. 6,226,336 B1).

6. With regard to claims 1 and 11, the admitted prior art in Figure 1 of the pending application discloses the claimed invention except for a variable bandwidth filter wherein the frequency tracking loop is adapted to change the bandwidth of the filter in dependence on at least one characteristic of the received burst of known data. Atarius et al. teaches varying the bandwidth of a filter in order to suit different communication systems. (See column 8, lines 15-38 and column 11, lines 62-65). Since the signals of different communication systems have different characteristics, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

the teaching of Atarius et al. with the circuit shown in Figure 1 of the application in order to have greater versatility to receive different types of signal.

7. With regard to claim 2, the admitted prior art in Figure 1 of the pending application in view of Atarius et al. including the means for correcting frequency offset comprising a mixer or complex multiplier ("22" in Figure 1) and the signal generator comprising an oscillator ("46" in Figure 1).

8. With regard to claims 9 and 10, the admitted prior art in Figure 2 in view of Atarius et al. disclose the claimed invention including a receiver comprising the frequency tracking loop wherein the receiver comprises a mobile or portable radio. (See page 1, line 10 - page 2, line 8 of the pending application)

9. Claims 1-3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in Figure 1 of the pending application in view of Anderson et al. (US Patent Application Publication 2001/0055348 A1)

10. With regard to claims 1 and 11, the admitted prior art in Figure 1 of the pending application discloses the claimed invention except for a variable bandwidth filter wherein the frequency tracking loop is adapted to change the bandwidth of the filter in dependence on at least one characteristic of the received burst of known data. Anderson et al. teaches varying the bandwidth of a control loop based on the number of synchronization bits in the preamble of a data packet (i.e. a characteristic of the received burst of known data). (See Anderson et al., paragraph [0034], last two sentences) It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Anderson et al. with the admitted prior art in Figure 1 in order to have greater flexibility and control of the frequency tracking loop.

11. With regard to claim 2, the admitted prior art in Figure 1 of the pending application in view of Anderson et al. including the means for correcting frequency offset comprising a mixer or complex multiplier ("22" in Figure 1) and the signal generator comprising an oscillator ("46" in Figure 1).

12. With regard to claims 3 and 12, the admitted prior art in Figure 1 of the pending application in view of Anderson et al. disclose the claimed invention including varying the bandwidth of the filter in dependence of the length of the received burst of known data. (See Anderson et al., paragraph [0034], last two sentences)

13. With regard to claims 9 and 10, the admitted prior art in Figure 2 in view of Anderson et al. disclose the claimed invention including a receiver comprising the frequency tracking loop wherein the receiver comprises a mobile or portable radio. (See page 1, line 10 - page 2, line 8 of the pending application)

Allowable Subject Matter


14. Claims 4-8, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsy L. Deppe whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Wednesday and Thursday (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Betsy L. Deppe
Primary Examiner
Art Unit 2637